PRESS STATEMENT

For Immediate Release

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24 DAYS TO THE BALLOT: PERIODIC UPDATE ON THE ON-GOING POLITICAL CAMPAIGNS

Today marks exactly 24 days to the August 8th 2017 General Election. As a Constitutional Commission mandated to protect and promote the observance of Human Rights in Kenya, we have called you here today so that we may share with you some of our key findings, concerns and recommendations as we approach the upcoming election. As has been the case in the past, our findings, concerns and recommendations are geared towards seeking remedial actions with the relevant partners and duty-bearers so as to protect the right to a free, fair, credible and peaceful election.

The findings, concerns and recommendations we are sharing with you today are a direct result of the work that the KNCHR has been undertaking on the ground in 29 Counties where we have been monitoring the campaigns and the preparation towards the August polls. The following is an update of the key concerns and findings of our campaign monitoring project:

Secretive Door to Door/Closed Conference Campaign Meetings:

The Commission has noted that many political aspirants have resorted to private “meet-the-people” meetings to seek votes from the electorate. Our concern here is that since most of these meetings are secretive, the KNCHR is worried that these private meetings may not be subject to scrutiny thus offering an opportunity for the political actors to find a safe space to incite and mobilise their supporters, communities or friends within exclusive enclaves. This scenario may not promote cohesion and national unity. The Commission also notes with concern that most of these closed-door campaigns fall outside the stipulated times of not campaigning beyond 6pm as provided for in gazette notice number 2692 to 2697 of the Elections (General) Regulations, 2012 as Gazetted by the IEBC on 17th March, 2017.

The Commission further notes that these closed door campaigns are not open to all members of the public, and indeed, our monitors have been denied entry into several of such meetings. In addition, our investigations have unearthed the fact that the political actors engaging in these closed door campaigns are issuing money and accommodation to the participants as inducements for their participation. We have been reliably informed that in some areas; such as Meru, Kwale, Bungoma, Kakamega, Kisii and Mombasa Counties, the participants in these secret meetings are being given a minimum of 1,000 shillings. We wish to remind all political actors that they are bound by the Electoral Code of Conduct and which code calls upon them to refrain from offering any document or reward to any person in consideration of such person attending any political event. We further remind the political actors that all campaigns must be open to members of the public and especially, the election observers. We call upon the IEBC’s
Electoral Code of Conduct Enforcement Committee to rein in on aspirants flouting this rule and ask them to utilize their powers under the law to enforce the requisite penalties on the offending parties.

Mass Movement of Voters Due to Insecurity:

KNCHR notes with concern that in several of the Counties where we are undertaking the monitoring exercise, there have emerged indications of possibility of mass movement of populations either because of drought or insecurity-related challenges. These movements in effect mean that the voters in the affected areas may not be able to exercise the right to vote or be voted for come the 8th of August 2017. Most of the places facing indications of mass movement include regions inhabited by pastoralists like Laikipia, Samburu, Pokot and Baringo and also places where military and security related operations are taking place. Here, we have in mind places like Garrissa, Lamu, Mandera and Wajir.

In Mandera County, and specifically in Lafey Constituency, Fino Ward, the threats of Al-Shabaab have made it impossible for the IEBC Officials to conduct the recruitment of Presiding Officers. Consequently, the recruitment of Presiding Officers has only been possible in the relatively calm region of Mandera South.

In Lamu, the KNCHR notes that as a result of the recent Al Shabaab attacks, there is an increasing number of internally displaced persons in the area. Indeed, one of the schools attacked by the Al Shabaab militants, namely Pandanguo Primary School, is a gazetted polling station. We reiterate our calls to the security agencies that they have a cardinal duty to ensure that no Kenyan voter is denied a chance to exercise his/her democratic right to vote due to insecurity. We also call upon the IEBC to plan for contingency measures—including the setting up of mobile voting centres in the affected regions—so that those who have been affected by insecurity are not disenfranchised.

Unequal Access to Public Facilities and Inducement of Voters:

Many aspirants, especially the incumbents at the National and County Government levels, are using their authority to frustrate their competitors especially in advertisements and on access to public venues. The KNCHR notes with grave concern that in a complete and flagrant abuse of the provisions of the Election Offences Act of 2016, the incumbents—at both the National and County Government Levels—have resorted to continuous inducement of voters through the display and advertisement of purported achievements contrary to the provisions of the law. Our monitors have noted this trend across the Country. The illegal practice of distributing campaign-camouflaged relief food—especially by some Cabinet Secretaries—during the ongoing campaigns is still continuing with the latest cases being captured by our monitors in Kwale, Laikipia, Machakos and Samburu Counties. What is more, we continue to see a number of Cabinet Secretaries as well as other Public Officers openly campaigning on partisan political lines or openly misusing public resources for partisan political functions. We call upon the Office of the Director of Public Prosecutions to enforce its powers under the Election Offences Act by bringing to account all those violating our election laws. As part of adducing the necessary evidence for prosecution, the KNCHR will avail to the ODPP the relevant information on electoral malpractices in a bid to ensure accountability and remedial action is taken against the perpetrators.
Increasing Levels of Political Intolerance:

As we move to the general election on August 8th 2017, we wish to call upon all political actors as well as their supporters to exercise maximum restraint in the conduct of the on-going campaigns. The KNCHR condemns in the strongest terms possible all acts of political intolerance directed at the politicians or their supporters that have come to our attention from various parts of the Country. Some of these cases include the disruption of the Jubilee campaign in Kisumu, the disruption of the NASA Campaign in Baringo, the disruption of the NASA Campaign in Kiambu as well as earlier cases of political intolerance directed against Jubilee in Bungoma and NASA in Nandi Counties respectively. We urge all Kenyans to let all politicians to campaign in any part of the country without let or hindrance and in accordance with the existing electoral laws. We urge the IGP and the ODPP to take firm action against all those who violently disrupt the political campaigns of their opponents.

Late Recruitment of Constituency-Level Election Officials:

KNCHR has noted that the IEBC is recruiting officials less than a month to elections. KNCHR seeks assurance from the IEBC that the said officials will be thoroughly trained and deployed right away and that they will be able to handle the upcoming general election with utmost diligence and professionalism as required by the law. KNCHR further reiterates that there is need to pay special attention to the training of the Returning Officers especially bearing in mind the important role that they shall be playing following the court’s ruling on the tallying and announcement of results.

Low Levels of Voter Civic Education Awareness:

Voter Education is one of the key functions of IEBC as provided for under Article 88 of the Constitution. Though the IEBC has stated that mass civic education is on-going on the ground, the findings from our monitors and the deployed KNCHR staff indicate the contrary. KNCHR is urgently calling upon the IEBC and other stakeholders to increase efforts on the provision of civic/voter education taking into consideration the number of days remaining to the August polls. The KNCHR is also cognisant of the fact that there are more than five million persons who have been registered as new voters. Most of these are the so-called millennials who have never participated in elections before and hence, there is an urgent need to equip them with the requisite knowledge on how to effectively participate in the process. Civic and voter education for prisoners who have been registered as voters is also sorely inadequate. There can be no denying the fact that this will be one of the most complex general election for most voters, especially given the large number of candidates affiliated to political parties or vying as independent candidates, and it is therefore absolutely important that the IEBC, in conjunction with the other stakeholders, moves with speed to conduct thorough civic/voter education despite the limited amount of time available before the August 8th 2017.

Publication of the Voter Register:

The KNCHR is concerned that despite 24 days to Election, the final Voter Register is still not accessible to the majority of Kenyans. We wish to point out that the publication of the Voter
Register is a mandatory requirement under Regulation 33 of the Elections (registration of voters) Regulations, 2012 which provides that;

The registration officer shall publish the new register of voters in the following manner

a) by making the relevant register available for inspection at the respective registration centre, ward and constituency Commission offices

b) by posting, at a place at the Commission’s website, constituency offices, registration centre and ward where the public has access, a notice, in Forms H set out in the Schedule, of the availability of the register for inspection; and

c) by having in place an electronic register which may be accessed on a website using a mobile phone or such other electronic media as the Commission may determine.

The essence of publicizing the register of voters is to give all Kenyans an opportunity to analyse and inspect the register and to increase transparency in the whole electoral process. The KNCHR therefore calls upon the IEBC to immediately comply with these regulations.

On-going Stand-off on the Printing of Presidential Ballot Papers:

In the recent past, and especially following the Court Judgement that annulled the award of the printing of Presidential ballot papers to the Dubai-based Al Ghurair Company on account of lack of public participation in the tendering process, the country has been treated to an unhealthy stand-off by the key political actors, which has in turn led to a lot of uncertainty on the printing of the Presidential ballot papers. The on-going uncertainty does not portend well for this country and the KNCHR calls upon all the stakeholders to ensure that the same is concluded in an amicable manner and within the set legal deadline of printing presidential ballot papers.

In conclusion, it is our contention that all the pertinent issues raised above have the real potential of denying Kenyans their right to participate in a free, fair, credible and most importantly peaceful election if the same are not urgently or adequately addressed. We call on the political actors and the IEBC to take all the necessary measures to address these concerns as we enter the last and crucial leg of the electioneering period ahead of the August 8th 2017 General Election.

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